

REMARKS

In accordance with the foregoing, claims 1, 12, and 23 have been amended. Claims 2, 5, 10, 13, 16, 21, and 27 have been cancelled without prejudice or disclaimer. Claims 1, 3, 4, 6-9, 11, 12, 14, 15, 17-20, 22-26, 28-37 are pending and under consideration.

REJECTION UNDER 35 U.S.C. § 112(2):

Claims 5, 10, 16, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 10, 16, and 21 have been canceled without prejudice or disclaimer.

Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 6-9, 11-14, 17-20, 22-25, 27, 29-31 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (US Patent No. 6,337,841).

Applicants cancel claims 2, 13, and 27.

Applicants respectfully submit that Kim et al. does not disclose, "a hologram optical element ... wherein the hologram optical element focuses the light emitted from the light source, and wherein the hologram optical element is adjusted along an optical axis to adjust the convergence and/or divergence of the light emitted from the light source during assembly of the optical pickup," as recited in independent claims 1, 12, and 23. Therefore, for at least these reasons claims 1, 12, and 23 are patentably distinguishable from the cited reference.

Claims 3, 6-9, 11, 14, 17-20, 22, 24, 25, 29-31, and 37 depend from one of independent claims 1, 12, and 23 and include all of the features of their respective independent claim. Therefore, for at least these reasons claims 3, 6-9, 11, 14, 17-20, 22, 24, 25, 29-31, and 37 are also patentably distinguishable from the cited reference.

Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103:

Claims 4, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US Patent No. 6,337,841) in view of Kojima et al. (US Patent No. 6,084,847).

Kojima et al. does not cure the deficiencies of Kim et al.

Kim et al. and Kojima et al., taken separately or in combination, do not disclose, “a hologram optical element ... wherein the hologram optical element focuses the light emitted from the light source, and wherein the hologram optical element is adjusted along an optical axis to adjust the convergence and/or divergence of the light emitted from the light source during assembly of the optical pickup,” as recited in independent claims 1, 12, and 23. Therefore, for at least these reasons claims 1, 12, and 23 are patentably distinguishable from the cited references.

Claims 4, 15, and 26 depend from claims 1, 12, and 23 respectively and include all of the features of their respective base claims. Therefore, for at least these reasons, claims 4, 15, and 26 are patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kim et al. in view of Nishino et al. (U.S. Patent 6,111,842).

Applicants respectfully submit that Nishino et al. does not cure the deficiencies of Kim et al.

Kim et al. and Nishino et al., taken separately or in combination, do not disclose, “a hologram optical element ... wherein the hologram optical element focuses the light emitted from the light source, and wherein the hologram optical element is adjusted along an optical axis to adjust the convergence and/or divergence of the light emitted from the light source during assembly of the optical pickup,” as recited in independent claim 23. Therefore, for at least these reasons claim 23 is patentably distinguishable from the cited references.

Claim 28 depends from claim 23 and includes all of the features of claim 23. Therefore, for at least these reasons, claim 28 also patentably distinguishes over the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim et al. As discussed above, Kim et al. does not disclose, “a hologram optical element ... wherein the hologram optical element focuses the light emitted from the light source, and wherein the hologram optical element is adjusted along an optical axis to adjust the convergence and/or divergence of the light emitted from the light source during assembly of the optical pickup,” as recited in independent claim 23. Therefore, for at least these reasons claim 23 is patentably distinguishable from the cited reference.

Claims 32-36 depend from claim 23 and include all of the features of claim 23. Therefore, for at least these reasons, claims 32-36 also patentably distinguish over the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION:

Claims 1, 3, 4, 6-9, 11, 12, 14, 15, 17-20, 22-26, 28-37 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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